

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 12/14/2021

UNITED STATES OF AMERICA

Order of Restitution

v.

20 Cr. 561 (VM)

MICHAEL CARRONE

Upon the application of the United States of America, by its attorney, Damian Williams, United States Attorney for the Southern District of New York, Stanley J. Okula, Jr., Special Assistant United States Attorney, and David Raymond Lewis, Assistant United States Attorney, of counsel; the Presentence Investigation Report dated April 23, 2021; the plea agreement; the Defendant's conviction on Count One of the Information; and all other proceedings in this case, it is hereby ORDERED that:

1. Amount of Restitution

MICHAEL CARRONE, the Defendant, shall pay restitution in the total amount of \$546,323.94, pursuant to 18 U.S.C. § 3663, to the victim of the offense charged in Count One, to wit, the Internal Revenue Service ("IRS"), as set forth below. The restitution amount, which includes interest accrued to December 10, 2021, covers the tax years 2009 through 2016, as set forth in the attached schedule, which is incorporated herein and made part of this order.

Upon advice by the United States Attorney's Office of a change of address of a victim, the Clerk of the Court is authorized to send payments to the new address without further order of this Court.

A. Joint and Several Liability

The restitution in this case consists of two portions. As to the first portion, in the amount of \$434,323.94, restitution is not joint and several with other defendants, co-conspirators, or with others not named herein. As to the second portion, in the amount of \$112,000, such restitution is joint and several with any such restitution to be imposed on Jose Burgos in *United States v. Burgos*, 19 Cr. 202 (GBD).

2. Schedule of Payments

Pursuant to 18 U.S.C. § 3664(f)(2), in consideration of the financial resources and other assets of the Defendant, including whether any of these assets are jointly controlled; projected earnings and other income of the Defendant; and any financial obligations of the Defendant; including obligations to dependents, the Defendant shall, in the interest of justice, pay restitution in installments pursuant to 18 U.S.C. § 3572(d)(1) and (2) as follows:

(1) The Defendant shall commence monthly installment payments in an amount of at least 10 percent of the Defendant's gross income, payable on the first day of each month, starting immediately upon entry of this judgment or upon the Defendant's release from prison, in the event the Defendant is sentenced to a term of incarceration; and

(2) While serving the term of imprisonment, the Defendant shall make installment payments toward his restitution obligation, and may do so through the Bureau of Prisons' ("BOP") Inmate Financial Responsibility Plan ("IFRP"). Pursuant to BOP policy, the BOP may establish a payment plan by evaluating the Defendant's six-month deposit history and subtracting an amount determined by the BOP to be used to maintain contact with family and friends. The remaining balance may be used to determine a repayment schedule. BOP staff shall help the Defendant develop a financial plan and shall monitor the Defendant's progress in meeting his restitution

obligation. Any unpaid amount remaining upon release from prison will be paid in installments of at least 10 percent of the Defendant's gross income on the first day of each month.

Neither the existence of the above-described restitution payment schedule nor Defendant's timely payment of restitution according to that schedule will preclude the IRS from collecting the full amount of any restitution-based assessment made by the IRS, based on the amount of restitution ordered herein.

3. Payment Instructions

The Defendant shall make restitution payments by certified check, bank check, money order, wire transfer, credit card or cash. Checks and money orders shall be made payable to the "SDNY Clerk of the Court" and mailed or hand-delivered to: United States Courthouse, 500 Pearl Street, New York, New York 10007 - Attention: Cashier, as required by 18 U.S.C. § 3611. The Defendant shall write his name, Social Security number, and the docket number of this case on each check or money order. Credit card payments must be made in person at the Clerk's Office. Any cash payments shall be hand delivered to the Clerk's Office using exact change, and shall not be mailed. For payments by wire, the Defendant shall contact the Clerk's Office for wiring instructions.

The Clerk's Office shall forward all restitution payments to the victim in this case, the Internal Revenue Service ("IRS"), at the below address within 30 days of receiving said payments from the Defendant:

IRS - RACS
Attn: Mail Stop 6261, Restitution
333 W. Pershing Ave.
Kansas City, MO 64108

The Clerk's Office shall ensure that the Defendant's name, Social Security number, and the docket number of this case are indicated on the payment prior to forwarding the payment to the IRS.

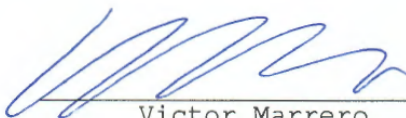
4. Additional Provisions

The Defendant shall notify, within 30 days, the Clerk of Court, the United States Probation Office (during any period of probation or supervised release), and the United States Attorney's Office, 86 Chambers Street, 3rd Floor, New York, New York 10007 (Attn: Financial Litigation Unit) of (1) any change of the Defendant's name, residence, or mailing address or (2) any material change in the Defendant's financial resources that affects the Defendant's ability to pay restitution in accordance with 18 U.S.C. § 3664(k). If the Defendant discloses, or the Government otherwise learns of, additional assets not known to the Government at the time of the execution of this order, the Government may seek a Court order modifying the payment schedule consistent with the discovery of new or additional assets.

5. Restitution Liability

The Defendant's liability to pay restitution shall terminate on the date that is the later of 20 years from the entry of judgment or 20 years after the Defendant's release from imprisonment, as provided in 18 U.S.C. § 3613(b). Subject to the time limitations in the preceding sentence, in the event of the death of the Defendant, the Defendant's estate will be held responsible for any unpaid balance of the restitution amount, and any lien filed pursuant to 18 U.S.C. § 3613(c) shall continue until the estate receives a written release of that liability.

SO ORDERED:



Victor Marrero
U.S.D.J.

December 14, 2021

DATE

Michael Carrone
Restitution 2009-2016
with Interest through 12/10/2021

	2009	2010	2011	2012	2013	2014	2015	2016	Total	
Tax Loss/Deficiency	\$ 39,214.00	\$ 43,287.00	\$ 43,174.00	\$ 58,024.00	\$ 50,858.00	\$ 48,677.00	\$ 64,066.00	\$ 53,651.00	\$ 400,951.00	
Interest through 12/10/2021	\$ 21,171.17	\$ 20,914.74	\$ 18,678.69	\$ 22,651.45	\$ 17,764.22	\$ 15,061.37	\$ 17,305.67	\$ 11,825.63	\$ 145,372.94	
Total	\$ 60,385.17	\$ 64,201.74	\$ 61,852.69	\$ 80,675.45	\$ 68,622.22	\$ 63,738.37	\$ 81,371.67	\$ 65,476.63	\$ 546,323.94	